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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/155,076	10/23/1998	SUSAN ADELE GREENFIELD	263/PPIR2548	8070

7590

02/24/2005

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EXAMINER

TURNER, SHARON L

ART UNIT PAPER NUMBER

1647

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/155,076

Examiner

Sharon L. Turner

Applicant(s)

GREENFIELD ET AL.

Art Unit

1647

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 22 December 2004 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).


b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: As previously noted limitation to consisting of language overcomes the prior art rejection of record. However, the proposed amendment necessitates new grounds of rejection as to the new limitations of the base claim and dependent claims thereof. Therefore entry is denied. Use claims are not patentable subject matter, see in particular MPEP 2173.05(Q).



SHARON L. TURNER, PH.D.
PATENT EXAMINER

2-22-05